

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

CR 08

0420

RUSSELL ALLEN LYLES, JR.

E-filing

PJH

DEFENDANT(S).

INDICTMENT

21 U.S.C. §841(a)(1) and §841(b)(1)(B) --Distribution/Possession
With Intent To Distribute At Least 100 Individual Marijuana Plants;

18 U.S.C. §924(c)--Possession Of Firearm In Furtherance Of
Narcotics Trafficking Offense;

18 U.S.C. §922(g)(3)--Illegal User Of Controlled Substance In
Possession Of Firearm

INDICT

A true bill.

[Signature]
Foreman

Filed in open court this 26 day of JUNE
2008

[Signature]
Clerk

Bail, \$ 16 process

[Signature]

FILED
JUN 26 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CR-0420 PJH

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**21 U.S.C. Secs. 841(a)(1) & (b)(1)(B) (Ct. 1)
18 U.S.C. Sec. 924(c) (Ct. 2)
18 U.S.C. Sec. 922(g)(3) (Ct. 3)☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**

See attached

E-filing

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Special Agent John Moore

Department of Homeland Security/Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a prosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.

08-70351

Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

W.S. Wilson Leung

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

JUN 26 2008

DEFENDANT - U.S.

RUSSELL ALLEN LYLES, JR.

DISTRICT COURT NUMBER

CR 08

0420

DEFENDANT

IS NOT IN CUSTODY

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

6/12/2008

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

RUSSELL ALLEN LYLES, JR. PENALTY SHEET CONTINUATION

Count One (21 U.S.C. §§ 841(a)(1) & (b)(1)(B)):

Maximum term of 40 years' imprisonment

Mandatory minimum term of 5 years' imprisonment

Maximum term of supervised release of life

Mandatory minimum term of 4 years' supervised release

Maximum fine of the greatest of either: (a) \$2 million; (b) twice the gross pecuniary gain to the defendant; (c) or twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Two (18 U.S.C. § 924(c)):

Maximum term of life imprisonment

Mandatory minimum term of 5 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; (c) or twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Three (18 U.S.C. § 922(g)(3)):

Maximum term of 10 years' imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; (c) or twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED
JUN 26 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PJH

UNITED STATES OF AMERICA,

v.

RUSSELL ALLEN LYLES, JR.,

Defendant.

Criminal No. 08

0420

VIOLATION: 21 U.S.C. §§ 841(a)(1) and
841(b)(1)(B) — Distribution/Possession With
Intent To Distribute At Least 100 Individual
Marijuana Plants; 18 U.S.C. § 924(c) —
Possession Of Firearm In Furtherance Of
Narcotics Trafficking Offense; 18 U.S.C. §
922(g)(3) — Illegal User Of Controlled
Substance In Possession Of Firearm

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 841(a)(1) and 841(b)(1)(B) — Distribution And
Possession With Intent To Distribute At Least 100 Individual
Marijuana Plants)

From at least in or about 2006, up through and including on or about June 12,
2008, in the Northern District of California, the defendant,

RUSSELL ALLEN LYLES, JR.,

unlawfully, intentionally, and knowingly did distribute and possess with the intent to
distribute a controlled substance, to wit, 100 or more individual marijuana plants.

INDICTMENT

1 All in violation of Title 21, United States Code, Sections 841(a)(1) and
2 841(b)(1)(B).

3 COUNT TWO: (18 U.S.C. §924(c) – Possession Of Firearm In Furtherance Of
4 Narcotics Trafficking Offense)

5 On or about June 12, 2008, in the Northern District of California, the defendant,

6 RUSSELL ALLEN LYLES, JR.,

7 unlawfully, willfully, and knowingly did use and carry a firearm during and in relation to a
8 drug trafficking crime for which he may be prosecuted in a court of the United States,
9 namely, distributing and possessing with the intent to distribute at least 100 individual
10 marijuana plants charged in Count One of this Indictment, and did possess that firearm in
11 furtherance of the offense charged in Count One of this Indictment, to wit:

- 12 a. One Titan .25-caliber pistol, serial number DF06027;
- 13 b. One Savage Arms double barrel shotgun, serial number B181690;
- 14 c. One Interarms double barrel shotgun, serial number T120205;
- 15 d. One Benelli 12-gauge shotgun, serial number M425610;
- 16 e. One Western Field .308-caliber rifle, serial number 02493; and
- 17 f. One Waffenwerke Obersprece rifle, serial number 5563.

18 All in violation of Title 18, United States Code, Section 924(c)(1)(A)(I).

19 COUNT THREE: (18 U.S.C. §922(g)(3) – Illegal User Of Controlled Substance In
20 Possession Of Firearm)

21 On or about June 12, 2008, in the Northern District of California, the defendant,

22 RUSSELL ALLEN LYLES, JR.,

23 while an unlawful user of a controlled substance (as defined in section 102 of the
24 Controlled Substances Act, 21 U.S.C. § 802), to wit, marijuana, unlawfully, willfully, and
25 knowingly did possess a firearm in and affecting interstate and foreign commerce, to wit:

- 26 a. One Titan .25-caliber pistol, serial number DF06027;
- 27 b. One Savage Arms double barrel shotgun, serial number B181690;
- 28 c. One Interarms double barrel shotgun, serial number T120205;
- d. One Benelli 12-gauge shotgun, serial number M425610;

e. One Western Field .308-caliber rifle, serial number 02493; and

f. One Waffenwerke Obersprece rifle, serial number 5563.

All in violation of Title 18, United States Code, Section 922(g)(3).


DATED:

6-26-08

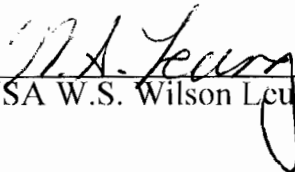
A TRUE BILL


FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney


BRIAN J. STRETCH
Chief, Criminal Division

(Approved as to form:


AUSA W.S. Wilson Leung)